

AMENDED IN ASSEMBLY JUNE 2, 2009

AMENDED IN ASSEMBLY MAY 6, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1066**

**Introduced by Assembly Member Mendoza**

*(Principal coauthor: Assembly Member Nielsen)*

**(Coauthors: Assembly Members Coto, Gaines, Harkey, Huber,  
Solorio, and Villines)**

February 27, 2009

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An act to amend Section 4590 of the Public Resources Code, relating to forest practices.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1066, as amended, Mendoza. Forest practices: timber harvesting plans.

The

(1) *The* Z'Berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection, and approved. The act provides that a timber harvesting plan is effective for a period of not more than 3 years, unless extended as specified.

This bill would instead provide that a timber harvesting plan is effective for a period of not more than 5 years, unless extended as specified.

The

(2) *The* act provides that a timber harvesting plan on which work *has* been commenced, but not completed, may be extended by amendment

for a one-year period in order to complete the work, up to a maximum of 2 one-year extensions if 2 requirements are met.

This bill would add to the requirements for this extension *for a plan approved on or after January 1, 2010*, that the department finds that listed species have not been discovered *in the plan area* since approval of the plan and significant physical changes to the harvest area or adjacent areas have not occurred since the plan's cumulative impacts were originally assessed. ~~However, the~~ *If the department is not able to make those findings, the department may consider an amendment to the plan and, if approved, may grant an extension.*

The bill would allow an extension by amendment for up to a maximum of 4 additional one-year extensions, without meeting the new requirement, if the plan expired in 2009.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 4590 of the Public Resources Code is
- 2 amended to read:
- 3 4590. (a) (1) A timber harvesting plan is effective for a period
- 4 of not more than 5 years, unless extended pursuant to paragraph
- 5 (2).
- 6 (2) A timber harvesting plan on which work has been
- 7 commenced, but not completed, may be extended by amendment
- 8 for a one-year period in order to complete the work, up to a
- 9 maximum of two one-year extensions, if all of the following occur:
- 10 (A) Good cause is shown.
- 11 (B) All timber operations are in conformance with the plan, this
- 12 chapter, and all applicable rules and regulations, upon the filing
- 13 of the notice of extension as required by this section.
- 14 (C) ~~The~~ *Except as provided in paragraph (3), for a timber*
- 15 *harvesting plan that is approved on or after January 1, 2010, the*
- 16 *department finds both of the following:*
- 17 (i) Listed species have not been discovered *in the plan area*
- 18 *since approval of the timber harvesting plan.*
- 19 (ii) Significant physical changes to the harvest area or adjacent
- 20 areas have not occurred since the timber harvesting plan's
- 21 cumulative impacts were originally assessed.

1     (3) *For a timber harvesting plan that is approved on or after*  
2 *January 1, 2010, if the department finds that one or both of the*  
3 *conditions in subparagraph (C) of paragraph (2) are not met, the*  
4 *timber harvesting plan shall be amended in order to qualify for*  
5 *an extension. The timber harvesting plan shall not qualify for an*  
6 *extension pursuant to paragraph (2) unless the amendment is*  
7 *approved by the department pursuant to Section 4591.*

8     (b) The extension shall apply to any area covered by the plan  
9 for which a report has not been submitted under Section 4585. The  
10 notice of extension shall be provided to the department not sooner  
11 than 30 days, but at least 10 days, prior to the expiration date of  
12 the plan. The notice shall include the circumstances that prevented  
13 a timely completion of the work under the plan and, consistent  
14 with Section 4583, an agreement to comply with this chapter and  
15 the rules and regulations of the board as they exist on the date the  
16 extension notice is filed.

17     (c) Stocking work may continue for more than the effective  
18 period of the plan under subdivision (a), but shall be completed  
19 within five years after the conclusion of other work.

20     (d) Notwithstanding paragraph (2) of subdivision (a), a timber  
21 harvesting plan on which work has commenced, but not completed,  
22 may be extended by amendment for up to a maximum of four  
23 one-year extensions if the plan expired in 2009, and if the plan  
24 complies with subparagraphs (A) and (B) of paragraph (2) of  
25 subdivision (a) only.